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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUKE THOMAS NGUYEN,

Plaintiff,

v.

PTS OF AMERICA, LLC, a Foreign Limited Liability Company; U.S. CORRECTIONS, LLC, a Foreign Limited Liability Company; JACOB EVETTS, an Individual; RYAN RIVERA, an Individual; ZACHARY BRANDON, an Individual; MICHAEL COLEMAN, an Individual; TRANSPORTATION EMPLOYEES DOES 1-10; DOES 11-99, inclusive; ROE CORPORATIONS 100-199, inclusive,

Defendants.

CASE NO. 2:18-cv-01717-RFB-BNW

**REVISED STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

The parties, through their counsel, submit the following Second Revised Stipulated Discovery Plan and Scheduling Order pursuant to the requirements of F.R.C.P. 26, F.R.C.P. 16(b) and LR 26-1. Resubmitted with 90-day extension request pursuant to ECF No. 104.

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1 **F.R.C.P 26(f) Conference**

2 Pursuant to F.R.C.P 26(f) and LR 26-(d), a conference was held on April 28, 2021
3 between plaintiff DUKE THOMAS NGUYEN's counsel, Keith E. Galliher, Jr., Esq., and
4 Defendants U.S. CORRECTIONS, LLC, JACOB EVETTS, RYAN RIVERA, ZACHARY
5 BRANDON, AND MICHAEL COLEMAN's counsel, Taylor Anderson, Esq. wherein counsel
6 agreed to continue the discovery cut-off given schedule conflicts and difficulties with respect to
7 the depositions of Defendants, who reside outside the State of Nevada, difficulty obtaining
8 Plaintiff signed medical authorizations due to Plaintiff's incarceration in Texas, and anticipated
9 difficulties in scheduling Plaintiff's deposition for the same reason. The parties have worked
10 diligently to overcome these difficulties but they have unfortunately been unavoidable. The
11 parties have exchanged written discovery requests and are working on obtaining additional
12 records from third-parties.

13 **Discovery Cut-Off Date (LR 26-1(e)(1))**

14 The parties stipulated to extend the Discovery Cut-Off approximately ninety (90) days,
15 or until: **October 25, 2021.**

16 **Amendment of Pleadings and Adding of Parties (LR-26-1(e)(2))**

17 The last day to amend pleadings and/or add parties shall occur ninety (90) days prior to
18 Discovery Cut-Off in this matter, or no later than: **July 27, 2021.**

19 **F.R.C.P. 26(a)(2) Disclosures (Experts) (LR 26-1(e)(3))**

20 Disclosure of experts shall proceed according to F.R.C.P. 26(a)(2):

21 (A) The parties shall disclose their experts and expert reports sixty (60) days prior to
22 the close of Discovery, or no later than: **August 26, 2021;**

23 (B) The parties shall disclose their rebuttal experts and expert reports thirty (30) days
24 after the parties' initial disclosure of experts, or no later than: **September 27,**
25 **2021.**

1 **Dispositive Motions (LR 26-1(e)(4))**

2 The parties shall file dispositive motions not more than thirty (30) days after the
3 Discovery Cut-Off, or no later than: **November 24, 2021.**

4 **Joint Pretrial Order (LR 26-1(e)(5))**

5 The Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for
6 filing dispositive motions, or no later than: **December 23, 2022.** If dispositive motions are filed,
7 the deadline for filing the Joint Pretrial Order will be suspended until thirty (30) days after
8 decision on the dispositive motions or further court order.

9 **F.R.C.P 26(a)(3) Disclosures (LR 26-1(e)(6))**

10 If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties
11 shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto in
12 the Joint Pretrial Order.

13 **Alternative Dispute Resolution (LR 26-1(b)(7))**

14 The parties met and conferred regarding the possibility of using alternative dispute-
15 resolution processes, including mediation and arbitration, and agreed that the same is premature
16 at this time, but will consider alternative dispute resolutions as the case moves forward.

17 **Alternative Forms of Case Disposition (LR 26-1(b)(8))**

18 The parties certify that they considered consent to trial by a magistrate judge under 28
19 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order
20 2013-01), however, the parties have mutually decided against trial by a magistrate judge or a
21 short trial.

22 **Electronic Evidence (LR 26-1(b)(9))**

23 The parties discussed whether they intend to present evidence in electronic format to
24 juror, and the parties determined at this time there would not be any. If the parties revisit the
25 presentation of any electronically stored information, they will file the appropriate stipulation
26 with the Court.

1 **Extensions or Modifications of the Discovery Plan and Scheduling Order**

2 LR 26-4 governs modifications or extensions of the discovery plan and scheduling order.
3 Any stipulation or motion must be made no later than 21 days prior to the expiration of the
4 subject deadline.
5

6 IT IS SO STIPULATED.
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8 Dated this 17th day of May, 2021

9 HALL JAFFE & CLAYTON, LLP

10 /s/ Taylor R. Anderson

11 Taylor R. Anderson, Esq.
12 Nevada Bar Number 15136
13 7425 Peak Drive
14 Las Vegas, Nevada 89128
15 Attorneys for Defendants
16 U.S. Corrections, LLC, Jacob Evetts,
17 Ryan Rivera, Zachary Brandon, and
18 Michael Coleman
19

Dated this 17th day of May, 2021

THE GALLIHER LAW FIRM

/s/ Keith E. Galliher

Keith E. Galliher, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Attorney for Plaintiff

17 **IT IS SO ORDERED.**

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20 UNITED STATES MAGISTRATE JUDGE

21 Dated: May 21, 2021
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